



**UNITED STATES DEPARTMENT OF COMMERCE**

*National Oceanic and Atmospheric Administration*

**National Marine Fisheries Service**

**West Coast Regional Office**

**501 W. Ocean Blvd., Suite 4200**

**Long Beach, CA 90802-4213**

**<http://www.westcoast.fisheries.noaa.gov/>**

**Small Entity Compliance Guide**

**Bigeye Tuna Catch Limits for Longline Vessels Greater Than 24 Meters in Overall Length in the Inter-American Tropical Tuna Commission Convention Area, 2014-2016**

**October 2014**

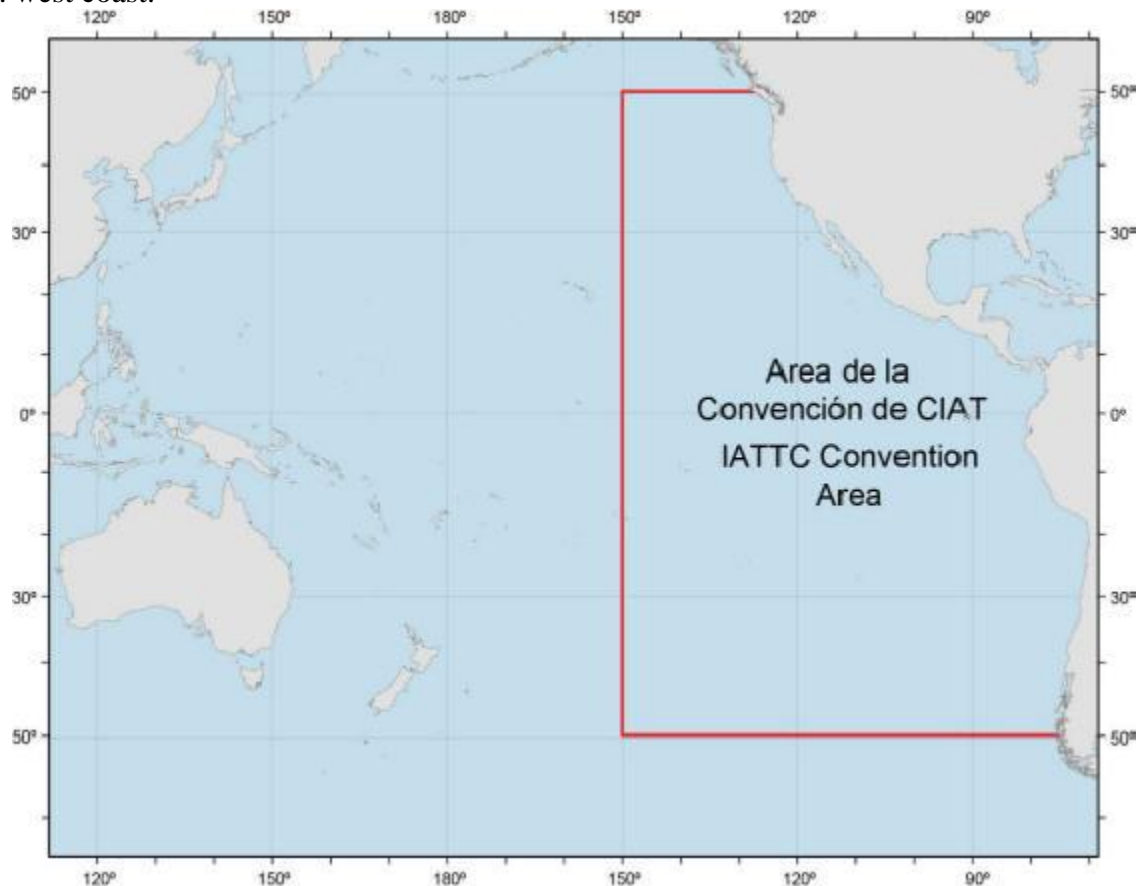
The National Marine Fisheries Service (NMFS) issued regulations under the authority of the Tuna Conventions Act of 1950 for the U.S. vessels fishing for highly migratory species (HMS) in the Inter-American Tropical Tuna Commission (IATTC) Convention Area. At its Eighty-fifth Meeting, in June 2013, the IATTC adopted a resolution on Tuna Conservation 2014-2016 (C-13-01), which required rulemaking for implementation in the United States. The final regulations were published in the *Federal Register* on April 9, 2014 (79 FR 19487), and are codified in the *Code of Federal Regulations* at 50 CFR Part 300 Subpart C.

This guide provides a plain-language summary of how owners and operators of affected vessels, and other affected entities, can comply with the regulations, and is issued in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996.

Regulations are subject to change, so this guide may become out of date. Any discrepancy between the contents of this guide and regulations will be resolved in favor of regulations published in the *Federal Register* and codified in the *Code of Federal Regulations*.

## Affected Area

The requirements apply to the entire IATTC Convention Area. The IATTC Convention Area includes the waters bounded by the coast of the Americas, the 50° N. and 50° S. parallels, and the 150° W. meridian. This area includes the U.S. Exclusive Economic Zone (EEZ) along the U.S. west coast.



**Figure 1. Map of IATTC Convention Area**

## Prohibitions

- 1) NMFS issued regulations that set a 500 metric ton (mt) annual catch limit for bigeye tuna caught in the IATTC Convention Area to apply in each of the years 2014-2016. The catch limit applies only to bigeye tuna caught by U.S. longline vessels that are greater than 24 meters [78.74 feet] in overall length.
- 2) If NMFS determines in any of the years 2014, 2015, or 2016 that the limit is expected to be reached before the end of the year, NMFS will publish a notice in the *Federal Register* announcing that the limit is expected to be reached and that specific fishing prohibitions will be effective on a particular date until the end of the calendar year.
- 3) Upon the effective date of the prohibitions, bigeye tuna will be prohibited to be retained

on board, landed, or transshipped when caught by longline vessels over 24 meters in overall length in the IATTC Convention Area.

## Key Questions and Answers

Question 1: How will vessel owners and operators know when the limit has been reached?

*Answer: Once NMFS determines in any year that the limit is expected to be reached by a specific future date, NMFS will publish a notice in the Federal Register announcing that the limit is expected to be reached on that date and that specific prohibitions (see element 3 above for the specific prohibitions) will be in effect on that date until the end of the calendar year. NMFS will publish the notice at least 7 calendar days before the effective date of the prohibitions to provide fishermen advance notice of the prohibitions.*

*NMFS will also make updated estimates and/or projections of bigeye tuna catches publicly available on the NMFS website ([http://www.fpir.noaa.gov/SFD/SFD\\_regs\\_3.html](http://www.fpir.noaa.gov/SFD/SFD_regs_3.html)) to help fishermen plan for the possibility of the limit being reached.*

Question 2: What if you are on a fishing trip when the announcement is made that the limit is expected to be reached and the prohibitions go into effect during the fishing trip?

*Answer: Any bigeye tuna already on board a fishing vessel upon the effective date of the prohibitions may be retained on board, transshipped, and/or landed, provided that they are landed within 14 days after the prohibitions become effective, except as described in the following question/answer.*

Question 3: What if a vessel has declared that it will be on a shallow-set longline trip and the prohibitions go into effect during a trip?

*Answer: In the case of a vessel that has declared to NMFS pursuant to 50 CFR 665.23(a) that the current trip type is shallow-setting, the 14-day limit is waived, but the number of bigeye tuna retained on board, transshipped, or landed must not exceed the number on board the vessel upon the effective date of the prohibitions, as recorded by the NMFS observer on board the vessel.*

Question 4: After the prohibitions go into effect will they also apply to bigeye tuna caught in the western and central Pacific Ocean?

*Answer: No. These prohibitions will not apply to bigeye tuna caught by longline vessels outside of the IATTC Convention Area, such as in the western and central Pacific Ocean (but there might be a separate bigeye tuna catch limit and associated prohibitions for the western and central Pacific Ocean). However, to help ensure compliance with the prohibitions related to bigeye tuna caught by longline vessels in the IATTC Convention Area, there are two additional, related, prohibitions that will go into effect starting on the announced prohibitions date and extending through the last day of that calendar year.*

*The following prohibitions apply to longline vessels over 24 meters in overall length that have declared to NMFS pursuant to 50 CFR 665.803(a) (formerly 665.23(a)) that the current trip type is deep-setting: (1) vessels are prohibited to fish with longline gear both inside and outside the IATTC Convention Area during the same fishing trip, with the exception of a fishing trip that is in progress at the time the prohibitions go into effect; and (2) if a vessel is used to fish outside the IATTC Convention Area and the vessel enters the IATTC Convention Area at any time during the same fishing trip, the longline gear on the fishing vessel must be stowed in a manner so as not to be readily available for fishing. Specifically, the hooks, branch or dropper lines, and floats used to buoy the mainline must be stowed and not available for immediate use, and any power-operated mainline hauler on deck must be covered in such a manner that it is not readily available for use.*

Question 5: How long will these regulations be in effect?

*Answer: The regulations apply to 2014, 2015, and 2016. If the catch limit is reached in a given year, the prohibitions will be in effect through the end of that same calendar year (through the end of December 31).*